



# **CITY OF HAYWARD**

## **AGENDA REPORT**

AGENDA DATE 02/23/99

AGENDA ITEM 3

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Tract 5937 – Chung Yeh dba Yeh's Development, L.P. (Subdivider/Owner) – Authorization for the City Manager to Execute a Subdivision Agreement with the New Subdivider

### **RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize the City Manager to execute a new subdivision agreement with Chung Yeh, dba Yeh's Development, L.P.;
2. Release Hoi Chen and Gwendalyn Chen, husband and wife and Yuan Meau Chiang and Young Yuench Chiang, husband and wife from their obligations under the subdivision agreement for Tract 5937, dated December 15, 1989; and
3. Authorize the release of cash deposits as security for faithful performance (\$39,000.00) and labor and materials (\$39,000.00) previously posted with the City.

### **DISCUSSION:**

Tract 5937 is a 3±-acre parcel with 720± feet of frontage on Dobbel Avenue. In 1988 a tentative map was approved creating 12 single-family parcels. The parcels range in size from 8,800 square feet to 12,200 square feet. All lots front on Dobbel Avenue. The final map was approved by City Council on August 1, 1989, however, no subdivision improvements or construction has taken place on the site.

Since the prior agreement between the City and the subdivider calls for the tract improvements to be installed within two years, staff re-reviewed the subdivision for conformance with current ordinances, the Hillside Design Guidelines, and the Hayward Highlands Neighborhood Plan.

Review by staff of the conceptual plans submitted by the new owner indicates that all the subdivision lots are buildable consistent with current standards; including the requirements for construction that is sensitive to the underlying topography and which limits the extent of use and visibility of retaining walls. The conceptual plans provided by the new owner also provide for

adequate pads and setbacks on all lots. Therefore, staff is recommending entering into a subdivision agreement with the new subdivider, and releasing the current owners from their obligation. Additionally, the design of the homes will be subject to site plan review if the proposed dwellings are determined to be at variance with City policies, standards, and guidelines.

The new owner has posted a faithful performance security in the amount of \$60,000 and an equal amount for labor and materials. This security amount reflects an updated cost estimate for the tract's public improvements; originally estimated at \$39,000 in 1989.

Prepared by:

*for Bashir Z. Mastas*  
\_\_\_\_\_  
Tim R. Koonze, Development Services Specialist

Recommended by:

*Sylvia Ehrenthal*  
\_\_\_\_\_  
Sylvia Ehrenthal  
Director of Community and Economic Development

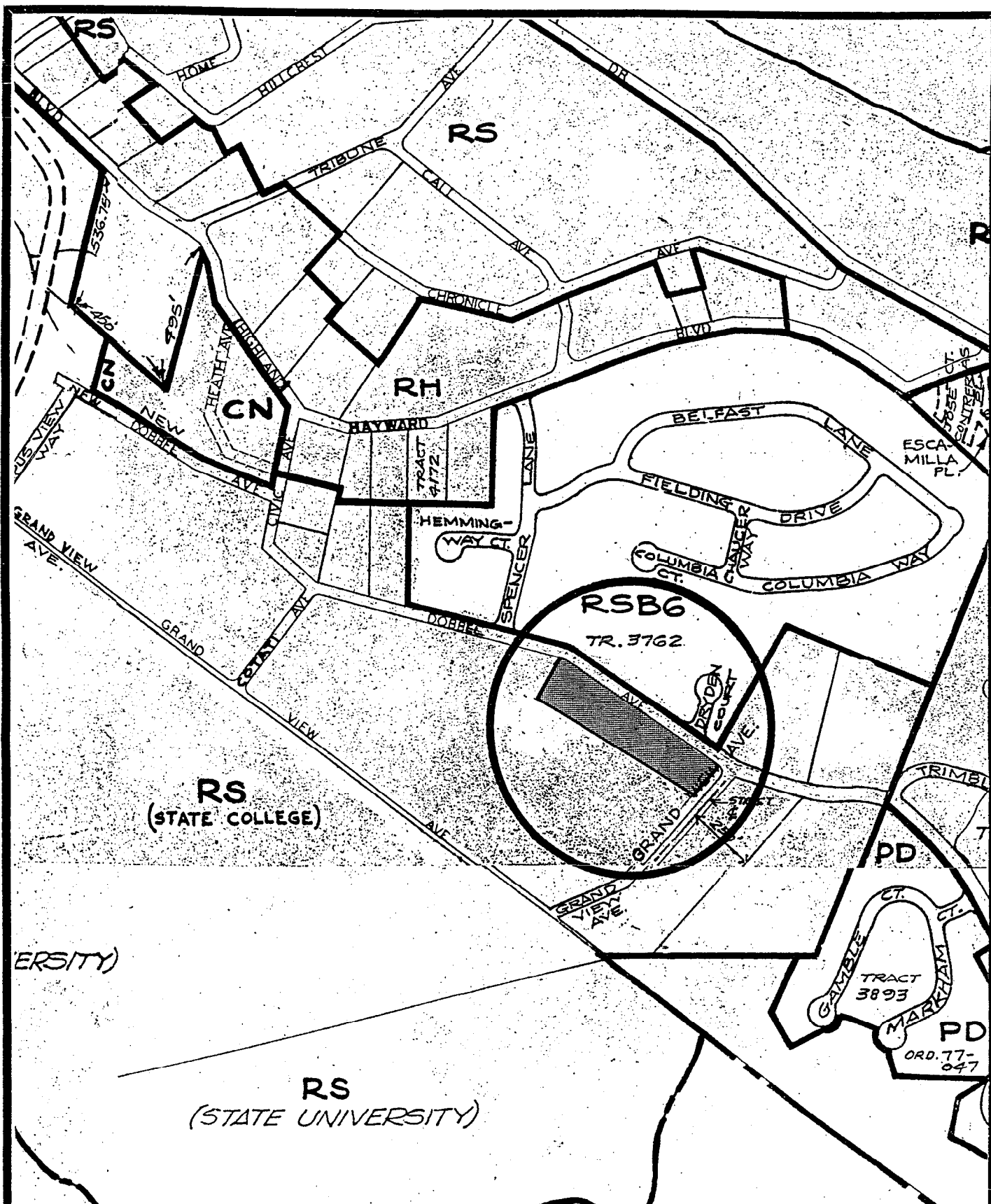
Approved by:

*Jesús Armas*  
\_\_\_\_\_  
Jesús Armas, City Manager

Attachments:

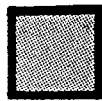
Area Map  
Draft Resolution

2.9.99



1"=500'

# AREA MAP



TRACT 5937

**DRAFT** MS 2/9/99

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EXECUTE NEW SUBDIVISION AGREEMENT FOR  
TRACT 5937, AND FOR RELEASE OF OBLIGATIONS  
UNDER FORMER AGREEMENTS**

WHEREAS, in 1989, the City Council of the City of Hayward approved a final map for Tract 5937 creating 12 single-family parcels; and

WHEREAS, the City Manager was authorized and did execute for and on behalf of the City of Hayward a Subdivision Agreement for Tract 5937; and

WHEREAS, ownership of the properties has changed in that at the time the final map was approved the Owner/Subdivider of the property was Hoi Chen and Gwendalyn Chen, husband and wife, and Yuan Meau Chiang and Young Yuench Chiang, husband and wife, and the Owner/Subdivider is now Chung Yeh, dba Yeh's Development, L.P.; and

WHEREAS, Yeh's Development, L.P. is qualified and desires to complete the development project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized for and on behalf of the City of Hayward to execute a new Subdivision Agreement for Tract 5937 substantially in the form of the copy on file in the office of the City Clerk, upon consultation with the City Attorney.

BE IT FURTHER RESOLVED that upon execution of the new Subdivision Agreement for Tract 5937 with Chung Yeh, dba Yeh's Development, L.P., the previous Subdivision Agreement for the tract between the City and Hoi Chen and Gwendalyn Chen, husband and wife, and Yuan Meau Chiang and Young Yuench Chiang, husband and wife, dated December 15, 1989, shall be superseded and Hoi Chen and Gwendalyn Chen, husband and wife, and Yuan Meau Chiang and Young Yuench Chiang, husband and wife, shall be released from their obligations under such agreements.

BE IT FURTHER RESOLVED that, upon execution of the new agreement, the City Manager is authorized to release to Hoi Chen and Gwendalyn Chen, husband and wife and Yuan Meau Chiang and Young Yuench Chiang, husband and wife, the cash deposits for faithful performance (\$39,000) and labor and materials (\$39,000) previously posted with the City for Tract 5937.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward